Remarks

Applicant thanks Examiner Hobbs and Examiner Beisner for the helpful comments and courtesies extended to Applicant's attorney during the telephone interview on February 23, 2010.

Further to the interview, by the foregoing amendment, the term "transport" and the phrase "wherein the pH value in the preacidification region is no greater than pH=6" has been deleted from claim 14 and claim 31. The term transport has also been deleted from claims 15-19. Claim 31 has also been amended to recite the raw material comprises solids. New claim 38 has been added to the application. The amendment of the claims is supported by the original claims and paragraphs [0013]-[0016], [0030], [0040, [0044], [0050] and [0052] of the specification. It is respectfully requested that this amendment be entered as it does not constitute new matter. Claims 14-19 and 27-38 are pending in the application.

Claims 14-19 and 31 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite. More specifically, the Office Action states the phrase "transport means" is indefinite since no function is specified by the word preceding means. As noted above the word "transport" has been deleted from claims 14-19 and 31. In this regard it is respectfully submitted that means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region are described in paragraphs [0013]- [0016], [0040], [0044] and [0050] of the specification.

Claims 14 and 18 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,395,173 to von Nordenskjold ("the '173 patent"). Claim 14 specifies means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. The '173 patent fails to disclose means for

segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region as required by claim 14.

Rather, the '173 patent teaches treating waste water ingredients which do not easily degrade or are not desirably dissolved by increasing the dwell time in the light load region at col. 4, lines 15-27 as follows:

> The still partially-charged waste water now passes via the outlet orifices **19** provided in the upper region of the partition wall **13** into the light load region **9**. Should the waste water contain ingredients which do not easily degrade or additional dissolution effects are desired, then the dwell time of the waste water in the light load region **9** can be considerably longer than the dwell time in the heavy load region **7**. Such effects are also achieved by means of the bacteria stock (biocenosis) which is adjusted here more to suit the further treatment or final treatment process. Simultaneously, further dissolution is achieved, which facilitates the subsequent mainly aerobic final treatment process.

Thus, the '173 patent fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Instead, the '173 patent teaches treating waste water ingredients which do not easily degrade or are not desirably dissolved by increasing the dwell time in the light load region. Accordingly, the '173 patent fails to anticipate claims 14 and 18.

The Office Action further states that the '173 patent discloses using devices to aerate waste water in the mixing and acidifying region at col. 3, lines 24-16 and thus discloses the flotation device of claim 18. In this regard it is respectfully submitted that the '173 patent does not disclose a flotation device, but rather a device which aerates and circulates waste water,

i.e., device which circulates air and oxygen through and causes stirring in the mixing and acidifying region rather than flotation. For this additional reason, the '173 patent fails to anticipate claim 18.

Claims 15 and 27 have been rejected under 35 U.S.C. § 103 as obvious over the '173 patent in view of US Patent No. 3,920,548 to Fassell *et al.* As discussed above the '173 patent fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Similarly, Fassell *et al* fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Accordingly, the combination of the '173 patent and Fassell *et al.* fail to render claims 15 and 27 obvious.

Claim 28 has been rejected under 35 U.S.C. § 103 as obvious over the '173 patent in view of Fassell *et al.* and Reynell. Reynell discloses a solid digestion vessel and transporting the solid digestion vessel to a second location where a fluid digestion vessel is located. At col. 1, lines 24-31 and col. 7, lines 15-20 Reynell teaches that this arrangement is advantageous as compared to a fixed installation. "A prior art reference must be considered in its entirety, i. e. as a whole , including portions that would lead away from the claimed invention. " MPEP §2141.02. Reynell actually teaches away from the claimed invention in which a preacidification region and main load region are contained in a tank. Accordingly, the combination of Reynell, the '173 patent and Fassell *et al.* fail to render claim 28 obvious.

Claims 16, 19 and 29 have been rejected under 35 U.S.C. § 103 as obvious over the '173 patent in view of US Publication No. 2003/0213702 to Mann. As discussed above the '173 patent fails to teach or suggest means for segregating the raw material from the preacidified

material and selectively transporting the preacidified material into the high load region. Similarly, Mann fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Accordingly, the combination of the '173 patent and Mann fail to render claims 16, 19 and 29 obvious.

Claim 17 has been rejected under 35 U.S.C. § 103(a) as obvious over the '173 patent in view of US Publication No. 2004/0245184 to Umezawa *et al.* US Publication No. 2004/0245184 to Umezawa *et al.* has a U.S. filing date of March 24, 2004. The present application is the U.S. national stage application of PCT/EP03/12473 filed November 7, 2003. Further the inventors listed on US Publication No. 2004/0245184 to Umezawa *et al.* appear to reside in Japan. Accordingly, it is respectfully submitted that in so far as Applicant is aware, US Publication No. 2004/0245184 to Umezawa *et al.* does not constitute prior art under 35 USC§ 102(a)/103 or 35 USC§ 102(e)/103. Moreover, as discussed above the '173 patent fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region.. Similarly, Umezawa *et al* fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Accordingly, even *assuming arguendo* Umezawa *et al.* constitutes prior art, the combination of the '173 patent and Umezawa *et al.* fail to render claim 17 obvious.

Claim 30 has been rejected under 35 U.S.C. § 103 as obvious over the '173 patent in view of US Publication No. 2005/0167359 to Wilkie *et al.* As discussed above the '173 patent fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Similarly, Wilkie

et al fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Accordingly, the combination of the '173 patent and Wilkie *et al.* fail to render claim 30 obvious.

Claims 31, 34 and 35 have been rejected under 35 U.S.C. § 103 as obvious over the '173 patent in view of Ahn *et al.,* Water Research, Vol. 35, no. 18, pp. 4267-4276, 2001. None of the '173 patent or Ahn *et al.,* teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Accordingly, the combination of the '173 patent and Ahn fail to render claims 31, 34 and 35 obvious.

Claims 32 and 33 have been rejected under 35 U.S.C. § 103 as obvious over the '173 patent in view of Ahn *et al.,* and further in view of Copa *et al.* As discussed above, none of the '173 patent or Ahn *et al.,* teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. The Office Action states that it would have been obvious to one of ordinary skill in the art to employ the steps filtering and settling as suggested by Copa within the teachings of the '173 patent and Ahn because the suggestion for doing so at the time would have been in order to minimize the amount of residual solids wasted during the treatment process. Claims 32 and 33 specify a method including retaining the raw materials which have not been preacidified. In this regard it is respectfully submitted that Copa *et al* teach a process and apparatus in which the residual solids which are recovered are the treating agents, not the raw material to be treated. Accordingly, the combination of the '173 patent, Ahn and Copa *et al.* fail to render claims 32 and 33 obvious.

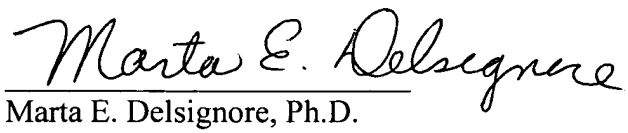
Claims 36 and 37 have been rejected under 35 U.S.C. § 103 as obvious over the '173 patent in view of Ahn *et al.,* and further in view of Wilkie. Like the '173 patent and Ahn *et al*, Wilkie fails to teach or suggest means for segregating the raw material from the preacidified material and selectively transporting the preacidified material into the high load region. Accordingly, the combination of the '173 patent, Ahn *et al* and Wilkie fail to render claims 36 and 37 obvious.

Further, none of the above references alone or in combination teach or suggest retaining the solids in the preacidification region for a mean duration of 30 to 150 hours.

In view of the foregoing claims 14-19, 27-38, all the pending claims, are in condition for allowance.

Prompt and favorable action is respectfully requested.

Respectfully submitted,



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